



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/433,429	11/04/1999	SHAUN A. KIRKPATRICK	11160	2571

7590 12/19/2001

LEOPOLD PRESSER
SCULLY SCOTT MURPHY & PRESSER
400 GARDEN CITY PLAZA
GARDEN CITY, NY 11530

EXAMINER

KATCHERES, KONSTANTINA T

ART UNIT

PAPER NUMBER

1636

DATE MAILED: 12/19/2001

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Amendment

The reply filed on 26 September 2001 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant's reply filed on 30 May 2001 fails to comply with the new amended practice of revised 37 CFR § 1.121. See 65 Fed. Reg. 54637 and 1238 Off. Gaz. Pat. Office 77. As of 01 March 2001, all amendments must be in compliance with revised § 1.121. The new rules require Applicant to submit clean new or replacement paragraphs or claims. In addition, the rules require submission of a marked up version of the changed paragraph or claims. Applicant's "clean copy" of the amended claims contains underlining, which may indicate additions and deletions to be made to the claims and specification. Although in this particular instance, it does appear that Applicant appeared to indicate that *in vivo* should be italicized, under the new rules underlined portions of the claims are not permitted under any circumstances. See 37 CFR § 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR § 1.136(a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Konstantina Katcheves whose telephone number is (703) 305-1999. The examiner can normally be reached on Monday through Friday 7:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Elliott can be reached on (703) 308-4003. The fax phone numbers for the

Application/Control Number: 09/433,429
Art Unit: 1636

Page 3

organization where this application or proceeding is assigned are (703) 305-3014 for regular communications and (703) 305-7939 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3388.

Konstantina Katcheves
December 17, 2001


REMY YUCEL, PH.D
PRIMARY EXAMINER